

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

CHARLES J. YOUNGBERG

PLAINTIFF

v.

No. 1:18-cv-80-DPM

JOSHUA COLLUMS, Prosecuting
Attorney, Stone County; B. J. DAY,
Chief of Police, Mountain View;
MIRANDA MONROE, Family
Service Supervisor, DHS; KIRK
GREEN, Administrator, Stone County
Jail; JIM DOSS, Deputy, Stone County
Sheriff's Office; AUTUMN R. CONRAD
YOUNGBERG, In Home Health Aide;
DOE, Police Officer, Mountain View
City Police; JOHNATHAN ARNOLD,
Police Officer, Mountain View City Police;
and ZACK ALEXZANDER, Lieutenant,
Stone County Sheriff's Office

DEFENDANTS

ORDER

1. The Court must screen Youngberg's complaint, as amended. *No* 2 & *No* 7; 28 U.S.C. §1915A. Youngberg claims that his minor daughters were wrongfully taken from him and that he was wrongfully arrested and charged as a habitual offender with aggravated assault on a family member, child endangerment, and an unclassified enhancement. *No* 7. He also claims he self-surrendered in connection

with the charges and is unlawfully detained awaiting trial. He seeks damages, among other relief. *Ibid.*

2. In his amended complaint, Youngberg didn't name as a defendant or include any allegations against Monroe, Green, or the Doe defendant. His claims against them are therefore dismissed without prejudice.

3. The Court must otherwise abstain from proceeding with Youngberg's case because the criminal case is ongoing, Arkansas has an important interest in enforcing its criminal laws, and Youngberg may raise his constitutional claims during his state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971). Further, there's no indication of bad faith, harassment, or any other extraordinary circumstances that would make abstention inappropriate. *Tony Alamo Christian Ministries v. Selig*, 664 F.3d 1245, 1254 (8th Cir. 2012). This case must therefore be put on hold until there's a final disposition of Youngberg's pending state charges. *Wallace v. Kato*, 549 U.S. 384, 393-94 (2007); *Yamaha Motor Corporation, U.S.A. v. Stroud*, 179 F.3d 598, 603-04 (8th Cir. 1999).

* * *

The Court directs the Clerk to stay and administratively terminate this case. Youngberg can move to reopen this case after final disposition of his state case, including any appeal. Any motion to reopen must be filed within sixty days of that final disposition. If

Youngberg doesn't file a timely motion to reopen or a status report by 18 December 2019, then the Court will reopen the case and dismiss it without prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

10 December 2018